

SENATE BILL NO. 902

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Read 1st time February 20, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

6016S.01I

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to private nuisance actions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 537, RSMo, is amended by adding thereto one new
2 section, to be known as section 537.291, to read as follows:

**537.291. 1. A person shall not maintain an action to enjoin,
2 abate, or recover damages for a private nuisance based upon an air
3 emission or water or solid waste discharge, other than the placement
4 of nuclear waste, if the emission or discharge was expressly authorized
5 by and is not in violation of a term or condition of:**

6 **(1) A statute or regulation;**

7 **(2) A license, permit, or order that is issued after public
8 comment by a state government agency and subject to continuing
9 compliance oversight, periodic review by the issuing agency, and
10 renewal on a periodic basis; or**

11 **(3) A court order or judgment.**

12 **2. The provisions of subsection 1 of this section shall not apply
13 if the permit or order creates a condition not reasonably foreseeable at
14 the time of issuance or if the permit holder purposefully fails to
15 disclose facts or conditions that are relevant in the issuance of the
16 permit or order.**

17 **3. Nothing in this section shall preclude an action for damages
18 based upon a claim of trespass.**

✓